

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING

### Issue:

- The NPDES permitting program has evolved and become more comprehensive and complex while resources have been constrained, creating the need for modernization and streamlining of the NPDES program.

### Talking Points:

# Deliberative Process / Ex. 5

### Background:

- The Federal Water Pollution Control Act Amendments in 1972 established the core NPDES program. All discharges of pollutants from point sources to waters of the U.S. require an NPDES permit. The permit term cannot exceed 5 years (statutory).
- States/tribes can apply to administer the NPDES permitting program by demonstrating to the EPA that the state or tribe has adequate legal, technical, and financial capabilities. 46 states currently have authorized programs.
- The EPA is currently the permitting authority for Idaho, Massachusetts, New Hampshire, New Mexico; the District of Columbia; all tribes except in Maine; and all territories except the Virgin Islands.
- Permitting authorities can provide permit coverage to point sources in one of two ways: 1) a unique permit for each discharger (i.e. "Individual Permit"); or, 2) an "umbrella" permit that covers a large number of similar dischargers (i.e. "General Permit"). Approximately 94% of the permitted universe is covered under a general permit.
- Nationally, at the end of FY 2017 approximately 10.8% of permits were backlogged<sup>1</sup>; 89.2% of facilities were covered by current permits. Factors that contribute to the permit issuance process include the public comment period, Endangered Species Act (ESA) consultations, litigation and lawsuits, and other documentation to complete the NPDES application and factsheet package.
- EPA headquarters leads the issuance of the Vessel General Permit (VGP), the Pesticides General Permit (PGP), the Construction General Permit for stormwater discharges (CGP), and the Multi-Sector General Permit for industrial stormwater discharges (MSGP).

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<sup>1</sup> \*The NPDES backlog measure includes all major individual, non-stormwater minor individual, and non-stormwater general NPDES permits other than EPA's Vessels General Permit.